

2006 SEP 12 PM 4:53

BY
DEPUTY CLERK

COMPLAINT
JURY TRIAL DEMAND

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Texas, San Antonio Division.

PARTIES

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant McCombs, has continuously been a partnership doing business in the State of Texas and the City of San Antonio, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant McCombs has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Griselda Martinez filed a charge with the Commission alleging violations of Title VII by Defendant McCombs. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about May 10, 2005, Defendant McCombs engaged in unlawful employment practices at its San Antonio, Texas facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), in that Defendant, McCombs discriminated against Griselda Martinez by discharging her from the position of Finance Director because of her sex, female.

8. The effect of the practices complained of in paragraph seven above has been to deprive Griselda Martinez of equal employment opportunities and to otherwise adversely affect

her status as an employee because of her sex, female.

9. The unlawful employment practices complained of in paragraph seven above were intentional.

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Griselda Martinez.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant McCombs, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in conduct which results in discharge because of sex or any other employment practice which discriminates on the basis of sex;

B. Order Defendant McCombs to institute and carry out policies, practices, and programs, which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant McCombs to make whole Griselda Martinez by providing appropriate back pay with prejudgment interest, in an amount to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to reinstatement of Griselda Martinez or front pay in lieu thereof;

D. Order Defendant McCombs to make whole Griselda Martinez by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including, but not limited to, relocation expenses, medical expenses and job search expenses, in an amount to be determined at trial;

E. Order Defendant McCombs to make whole Griselda Martinez by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including, but not limited to, emotional pain and suffering, humiliation, anxiety, inconvenience, mental anguish, and loss of enjoyment of life, in an amount to be determined at trial;

F. Order Defendant McCombs to pay Griselda Martinez punitive damages for its malicious and/or reckless conduct described in paragraph seven above, in an amount to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper in the public interest; and

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

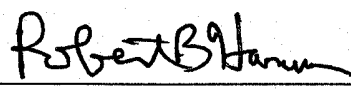
The Commission requests a jury trial on all questions of fact raised by its complaint.


Respectfully submitted,

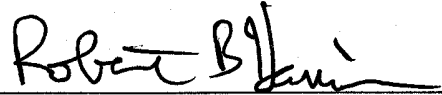
RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

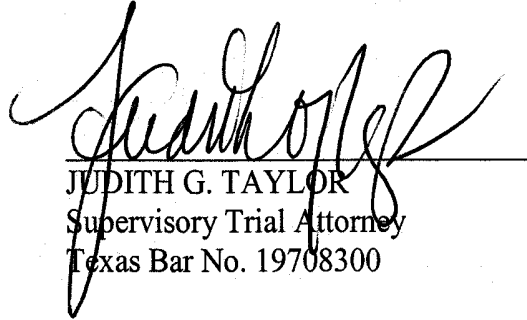
GWENDOLYN YOUNG REAMS
Associate General Counsel


ROBERT A. CANINO
Regional Attorney
Oklahoma State Bar No. 011782


with permission



ROBERT B. HARWIN
Associate Regional Attorney
District of Columbia Bar No. 076083



JUDITH G. TAYLOR
Supervisory Trial Attorney
Texas Bar No. 19708300



EDWARD JUAREZ
Trial Attorney
Texas Bar No. 24014498

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

San Antonio Field Office
5410 Fredericksburg Rd., Suite 200
San Antonio, Texas 78229-3555
Telephone: (210) 281-7613
Facsimile: (210) 281-7669

ATTORNEYS FOR PLAINTIFF